

Message

From: Glass, Geoffrey [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1EE3C5CD15504E5AA8660FCF60D2E04D-GGLASS]
Sent: 4/12/2018 11:09:16 PM
To: Carl Brown [Carl.brown@deq.idaho.gov]
CC: McFadden, Kelly [McFadden.Kelly@epa.gov]; Michael.Simon@deq.idaho.gov; Bray, Dave [Bray.Dave@epa.gov]
Subject: RE: EPA NSPS NESHAP Delegation_Update_2018.docx
Attachments: p60_attachment.docx; p61_attachment.docx; p63_attachment.docx

Carl:

I am sending you our new guidance on delegation requests with my comments in red (red is not bad – it's just red). Your draft mostly looks like it meets our new guidance. Feel free to call me if you want to discuss this further. (I will be out on Friday and back at my desk Monday morning.)

I have also attached some attachments that go with the delegation letters. If you check the boxes of the subparts you want to implement, you will make my job even easier and may get your delegation even sooner.

Each delegation submittal must include:

- The subparts for which you are requesting delegation. You may request (1) the subparts for which you *are* requesting delegation or (2) the subparts for which you *are not* requesting delegation or (3) you may state that you are requesting delegation of all delegable subparts. In addition, the effective date of the standards needs to be clear. (This is clear in Idaho's draft letter)
- A citation to the State (or local) regulation(s) that adopt the federal standards for which you are requesting delegation and a copy of the most recent update to said regulation(s). (There is a citation in the draft letter to IDAPA 58.01.01, which, I assume, incorporates parts 60, 61, and 63 by reference. This regulation must be attached to the delegation request, but you already knew that.)
- A reference to the most recent delegation of authority in the Federal Register (this is not required for part 60 delegations). We can help you find this, if necessary. (You included the FR notice and the most recent delegation approval [by letter] in your delegation request letter.)
- A statement that the initial delegation of authority has not changed. (This is likely the case if you are implementing an approved part 70 program.) (Please include a statement reaffirming that IDEQ still meets the criteria in the previous formal delegation. The criteria for delegation of part 60 are not as clearly expressed by regulation, but citing the previous delegation and similarly reaffirming that the program has not fundamentally changed seems reasonable.)
- For local agencies only, evidence that you have consulted with the State before submitting your delegation request to EPA. (Does not apply – IDEQ is not a local agency)

See 40 CFR 63.90(b), 63.91(a), and (d)(2), and "Technical Assistance Document for the Submission of State/Local/Tribal Requests for Delegation and Approval of Alternatives to Section 112 Rules, Programs, or Requirements," which provides information on the "straight delegation" process (pp. 15-21).

If you wish to accept delegation of any subpart only under certain circumstances (e.g. for title V sources only, for permitted sources only), this needs to be clear in your request. (Often, State or local authorities accept delegation for area source standards in part 63 only when they apply to title V

sources or permitted sources.) (It is clear in your request that you only want to accept delegation for certain subparts as they apply to title V sources.)

Geoffrey L. Glass, MSChE
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From: Bray, Dave

Sent: Tuesday, April 10, 2018 1:25 PM

To: Carl Brown <Carl.brown@deq.idaho.gov>; Michael.Simon@deq.idaho.gov

Cc: Glass, Geoffrey <GLASS.GEOFFREY@EPA.GOV>; McFadden, Kelly <McFadden.Kelly@epa.gov>

Subject: FW: EPA NSPS NESHAP Delegation_Update_2018.docx

Hi Carl,

Geoffrey Glass has been hired into Madonna's old position so he is now your contact for delegations. I'm copying him on this reply so he can review your draft delegation request letter. He's already up to speed on the new language and is already working on improving our delegation letters as well, so this will be a good opportunity to get them consistent as well as to continue to improve the delegation process.

Dave

From: Carl.Brown@deq.idaho.gov [<mailto:Carl.Brown@deq.idaho.gov>]

Sent: Tuesday, April 10, 2018 7:42 AM

To: Bray, Dave <Bray.Dave@epa.gov>

Cc: Michael.Simon@deq.idaho.gov

Subject: EPA NSPS NESHAP Delegation_Update_2018.docx

Hi Dave

Idaho DEQ is preparing to submit our annual NSPS/NESHAPs delegation request. My understanding is that Madonna has retired, so I'm sending you our draft language to see if you had any comments/feedback. Our letter includes the language we discussed last year concerning Title V and NESHAPs.

We plan to submit the delegation request in the next couple of weeks.

Thanks, Carl

Carl A. Brown, Ph.D.

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